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OFFICE OF PETITIONS

In re Application of :
Connor et al. : ON PETITION
Application No. 09/786,078 :
Filed: 28 February, 2001 :
Atty Docket No. 7262/MH :

This is a decision on the petition filed on 7 December, 2005, under 37 CFR 1.137(a), which is treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application became abandoned on 20 October, 2004, for failure to timely file the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on 19 July, 2004, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 13 December, 2004.

Petitioners assert that the Notice mailed on 19 October, 2004, was never received.

A review of the record reveals that on 9 July, 2001, a paper entitled "Request For Correction of Filing Receipt" was filed, signed by attorney of record Richard S. Echler, indicating that the correspondence address on the filing receipt was incorrect and requesting that the correspondence address be changed. However, the requested change of correspondence was not entered. As the paper filed on 9 July, 2001, meets the requirements of MPEP 601.03 for a change of correspondence address, it is concluded that the Notice of Allowance mailed on 19 July, 2004,

was never received because it was not mailed to the correct address.

In accordance with the above finding, the holding of abandonment is withdrawn, and the Notice of Abandonment mailed on 13 December, 2004, is vacated.

Receipt of the issue fee is acknowledged. As the petition was necessitated by an Office error, the petition fee will be credited to counsel's deposit account, No. 16-2480.

The application is being referred to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in cursive script, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions